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STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

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Illinois Natural Gas Savings, Corporation )  
Application for certificate of service ) Docket No. 04-0411  
Authority under Section 19-110 of the )  
Public Utilities Act )

**PETITION FOR LEAVE TO INTERVENE  
AND/OR RESPONSE TO  
ILLINOIS NATURAL GAS SAVINGS CORPORATION'S  
APPLICATION FOR REHEARING**

Christopher J. Bischoff and ILLINOIS NATURAL GAS (Hereafter collectively "ILLINOIS NATURAL GAS"), acting pursuant to 83 Illinois Administrative Code Section 200.200, hereby petitions the Illinois Commerce Commission ("Commission") for leave to intervene in the above-captioned proceeding and/or respond to the pending Application for Rehearing. In support of same, Illinois Natural Gas states as follows:

1. Since 1989, ILLINOIS NATURAL GAS has continuously and exclusively used the name ILLINOIS NATURAL GAS as both a *trade name* and a *service mark* to identify the company as the source of natural gas marketing and gas brokerage services, natural gas consulting services, and energy savings services. Through a period of approximately 15 years of exclusive and continuous use of the name ILLINOIS NATURAL GAS, Illinois Consumers have come to rely on the name ILLINOIS NATURAL GAS, to identify a particular source of natural gas marketing and consulting services.

2. ILLINOIS NATURAL GAS markets natural gas and gas management services to commercial, industrial, multi-unit residential, institutional, municipal and governmental customers in the state of Illinois. ILLINOIS NATURAL GAS also acts as a broker and consultant in the area of natural gas, gas management and energy services in the state of Illinois.

3. On November 19, 2004, ILLINOIS NATURAL GAS first became aware that *Illinois Natural Gas Savings Corporation* (Hereafter "*Illinois Natural Gas Savings*") filed an Application with the Commission, seeking a certificate of service authority as an alternate gas supplier to market natural gas to Illinois Consumers under a name nearly identical and confusingly similar to the well established and pre-existing name ILLINOIS NATURAL GAS. This certificate if granted, will allow *Illinois Natural Gas Savings* to market natural gas to Illinois consumers while using a company name confusingly similar and nearly identical to a name already in use by Petitioner for approximately 15 years and known to Illinois Consumers.

4. Use of a confusingly similar and nearly identical name to identify the source of identical or similar services will surely create confusion among Illinois Consumers, who will likely be wrongfully misled and deceived into thinking there is an affiliation or sponsorship between ILLINOIS NATURAL GAS and *Illinois Natural Gas Savings*, when in fact there is none whatsoever.

5. By letters dated November 30, 2004 and December 21, 2004 (copies attached as **Exhibits A and B**), ILLINOIS NATURAL GAS has made *Illinois Natural Gas Savings* aware of this conflict and consumer confusion. To date, *Illinois Natural Gas Savings* has neglected and failed to respond or take any action to avoid or prevent Illinois Consumers from being misled, confused or deceived.

6. Procedurally, on July 8, 2004, the Commission denied the Application of *Illinois Natural Gas Savings*, and on August 19, 2004 Illinois Energy Savings Corp. filed a similar Petition For Leave to Intervene. The Petition was based on confusion between the names *Illinois Energy Savings* and *Illinois Natural Gas Savings*. The Commission granted the Petition on October 22, 2004, yet here, the similarity and confusion issues and the need to protect Illinois Consumers from being confused between ILLINOIS NATURAL GAS and *Illinois Natural Gas Savings*, is even more compelling.

7. Applicant, *Illinois Natural Gas Savings* knew or should have known that their selection and use of a name nearly identical to the name ILLINOIS NATURAL GAS, which was already in use for nearly 15 years, would likely mislead and deceive Illinois Consumers. Such business tactics and anti-competitive strategies should not be rewarded, and therefore the Commission should act to protect Illinois Consumers.

8. To alleviate and hopefully eliminate any confusion, ILLINOIS NATURAL GAS seeks to have *Illinois Natural Gas Savings* operate and contract under a distinct name. Consequently, while the Application of *Illinois Natural Gas Savings* is still before the Commission for consideration, ILLINOIS NATURAL GAS wishes to participate in the proceedings and present its complete position to the Commission. No other party to this proceeding can adequately represent the interests of ILLINOIS NATURAL GAS, and based on the procedural history of the pending Application, the granting of ILLINOIS NATURAL GAS' Petition to Intervene will not delay this proceeding.

9. As a result of the Commission previously granting Illinois Energy Savings Corp.'s similar Petition to Intervene, which was based on confusion, *Illinois Natural Gas Savings* is already presently in the process of changing its name, and will be required to amend its pending Application before the Commission. The name change currently in process should protect Illinois Consumers. It is therefore timely, efficient and appropriate for the Commission and *Illinois Natural Gas Savings* to remedy this situation in order to protect Illinois Consumers.

10. To date, the Application of Illinois Natural Gas Savings has never been approved, and as recently as December 9, 2004, *Illinois Natural Gas Savings* filed a Motion To Supplement Amended Application. Any inconvenience *Illinois Natural Gas Savings* may experience from the granting of this Petition to Intervene is far outweighed by the harm and prejudice that Petitioner and Illinois Consumers will suffer if this petition is not granted.

WHEREFORE, ILLINOIS NATURAL GAS respectfully requests that the Commission grant it leave to intervene and participate in this proceeding, and/or accept this response to the pending application for Rehearing, and that the Commission grant such further additional relief as it deems appropriate.

Respectfully submitted.

ILLINOIS NATURAL GAS

By: 

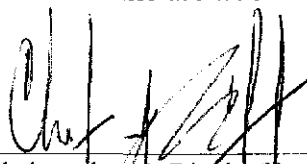
Christopher J. Bischoff.

Christopher J. Bischoff  
Illinois Natural Gas  
1731 Central Street  
Evanston, IL 60201  
Ph: (847) 491-9500  
Fax: (847) 491-9801

**VERIFICATION**

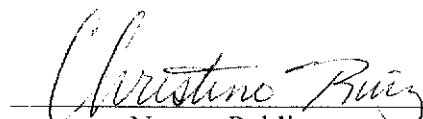
In the City of Evanston, Illinois

I, Christopher J. Bischoff, of the City of Evanston, Illinois, affirm and say that I am President and owner of ILLINOIS NATURAL GAS, that I have read the document attached hereto, that I am knowledgeable of the facts as stated therein, and that the same are true and correct to the best of my knowledge and belief.

  
\_\_\_\_\_  
Christopher J. Bischoff  
President/Owner of  
Illinois Natural Gas

Subscribed and sworn to before me this

22<sup>nd</sup> day of December 2004

  
\_\_\_\_\_  
Notary Public

## **PROOF OF SERVICE**

Service of the foregoing document was made by mailing a copy thereof, in a sealed envelope, postage fully prepaid, addressed to:

Michael Wallace  
Administrative Law Judge  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

Michael Kotlajic  
President  
Illinois Natural Gas Savings, Corporation  
105 E. San Marino Drive  
Miami Beach, FL 33139  
E-Mail: [illinoisgascorp@aol.com](mailto:illinoisgascorp@aol.com)

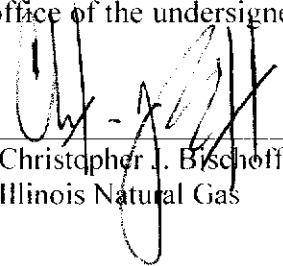
Phil Hardas  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

William A. Borders, Esq.  
Christopher J. Townsend  
Piper Rudnick LLP  
203 N. LaSalle Street, Suite 1800  
Chicago, IL 60601

Michael J. Mannion  
Elizabeth R. Gaffney  
Griffin, Winning, Cohen & Bodewes, P.C.  
One West Old State Capitol Plaza, Suite 600  
Springfield, IL 62701  
[mmannion@gifwinlaw.com](mailto:mmannion@gifwinlaw.com)  
[ergaffney@gifwinlaw.com](mailto:ergaffney@gifwinlaw.com)

Eric Lounsberry  
Illinois Commerce Commission  
527 E. Capitol Avenue  
Springfield, IL 62701

and by depositing same in the United States Mail from the office of the undersigned this 22<sup>nd</sup> day of December 2004.

  
\_\_\_\_\_  
Christopher J. Bischoff  
Illinois Natural Gas